

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONALD P. BROWN, SR.

:

CIVIL ACTION

:

v.

:

:

CHESTER COUNTY PRISON, et al.

:

NO. 16-3097

FILED

JUN 27 2016

ORDER

MICHAEL E. KUNZ, Clerk
By _____ Dep Clerk

AND NOW, this 27th day of June, 2016, upon consideration of plaintiff's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff Donald P. Brown, Sr., #MD-5534, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$14.63 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Coal Township or at any other prison at which plaintiff may be incarcerated is directed to deduct \$14.63 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 16-3097. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at the State Correctional Institution at Coal Township or at any other prison at which plaintiff may be incarcerated, shall deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 16-3097.

3. The Clerk of Court is directed to send a copy of this order to the Superintendent of the State Correctional Institution at Coal Township.

4. Plaintiff's claims against the Chester County Prison are DISMISSED with prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

5. Plaintiff's claims based on the absence of safety rails on the top bunk beds at the Chester County Prison are DISMISSED with prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

6. Plaintiff's claims based on his allegations that he did not receive medical care at the Chester County Prison after he returned from the hospital are DISMISSED without prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum. Plaintiff is given leave to file an amended complaint as to those claims only within thirty (30) days of the date of this Order. If plaintiff files an amended complaint, he shall name all defendants in the caption of the amended complaint in addition to the body of the amended complaint and describe how each defendant was responsible for violating his constitutional rights. If plaintiff fails to file an amended complaint, his case may be subject to dismissal with prejudice without further notice. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

BY THE COURT:



LAWRENCE F. STENGEL, J.